

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MEKAIL THOMAS and EREAON SMITH

PLAINTIFFS

vs.

CIVIL ACTION NO. 2:19-CV-112-KS-MTP

**THE CITY OF LAUREL MISSISSIPPI; THE
LAUREL POLICE DEPARTMENT; TOMMY COX;
MITCH SUMRALL; KEITH BLANCETT; JOSH
FREEMAN; SKYLAR PRUNERA; BRIAN HANCOCK;
and JOHN DOES, 1-10**

DEFENDANTS

**DEFENDANTS, CITY OF LAUREL, ET, AL’S, CHALLENGE TO
AND MOTION TO DISALLOW PLAINTIFFS’
DESIGNATION OF EXPERT WITNESS**

COMES NOW Defendants, City of Laurel, et al , by and through their attorney of record, in the above-styled matter, and files this their *Challenge to and Motion to Disallow Plaintiffs’ Designation of Expert Witness*, and in support thereof states as follows:

1. Plaintiffs served their “*Designation of Expert Witness*” on August 31, 2020, on counsel of record.
2. Pursuant to Fed. R. Civ. Pro 26(a)(2) and L.U.Civ.R. 26((a)(2) and (3), Defendants, City of Laurel, et al, file their *Challenge to and Motion to Disallow Plaintiffs’ Designation of Expert Witness*. Plaintiffs’ proposed expert, W. Lloyd Grafton should be excluded from providing any testimony or opinions in this matter.
3. Plaintiffs’ *Expert Designation* should be disallowed due to Plaintiffs’ failure to comply with Fed. R. Civ. Pro. 26(a)(2)(B).
4. Plaintiffs’ *Expert Designation* should be disallowed and Plaintiffs’ expert should be excluded from providing testimony due to Plaintiffs’ failure to provide: a written report; a complete

statement of all opinions and the basis for the opinions; the facts or data considered by each expert; and any exhibits used to summarize or support the expert opinions.

5. In addition, Plaintiffs' expert will provide proposed testimony which is either outside the expert's area of expertise and/or testimony which is a question of law which is in the province of the court and/or jury to decide.

6. In support of their *Challenge to and Motion to Exclude Plaintiffs' Expert Designation*, Defendants, City of Laurel, et al, attach hereto the following exhibit, and will file separately, their *Memorandum in Support of Challenge to and Motion to Disallow Plaintiffs' Expert Designation* which is incorporated by reference herein.

(a) **Exhibit "A"** - *Plaintiffs' Designation of Expert Witness*

WHEREFORE, PREMISES CONSIDERED, Defendants, City of Laurel, et al, request that this Court enter an *Order* granting their *Challenge to and Motion to Disallow Plaintiffs' Designation of Expert Witness* and excluding the expert testimony of W. Lloyd Grafton. Defendants further request the Court grant them any additional relief that it deems necessary and appropriate.

Respectfully submitted on this the 5th day of January, 2021.

CITY OF LAUREL, et al, Defendants

By: /s/ Brett W. Robinson
Brett W. Robinson

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[Attorney for Defendants, City of Laurel, et al]

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CERTIFICATE OF SERVICE

I, Brett W. Robinson, counsel for Defendants, City of Laurel, et al, do hereby certify that I have this day filed via the Court's electronic filing system and by E-mail, a true and correct copy of the above and foregoing document to: All parties of record.

This the 5th day of January, 2021.

/s/ Brett W. Robinson

Brett W. Robinson